

AMENDED IN ASSEMBLY AUGUST 18, 2003

AMENDED IN ASSEMBLY JULY 28, 2003

AMENDED IN ASSEMBLY JUNE 26, 2003

AMENDED IN SENATE MAY 7, 2003

SENATE BILL

No. 722

Introduced by Senator McPherson

February 21, 2003

An act to amend Sections 52052 and 52057 of, ~~and to add Section 52051.3 to,~~ the Education Code, relating to school performance.

LEGISLATIVE COUNSEL'S DIGEST

SB 722, as amended, McPherson. School performance.

Existing law establishes the Public Schools Accountability Act of 1999 and requires the Superintendent of Public Instruction to develop an Academic Performance Index (API), which consists in part of the results of the tests administered pursuant to the Standardized Testing and Reporting (STAR) Program, to measure the performance of schools, *to demonstrate comparable improvement in academic achievement by all numerically significant ethnic and socioeconomically disadvantaged subgroups within schools*, and to rank schools based on the value of the API. The API measures the performance of schools and the academic performance of pupils and consists of a variety of indicators.

This bill would require ~~the superintendent, with the approval of the State Board of Education, to calculate an API for school districts in the same manner as the school API and would require school districts and schools to demonstrate that the~~ comparable improvement in academic

achievement ~~as~~ *be* measured by the API for all numerically significant pupil subgroups at the school, including ethnic subgroups, socioeconomically disadvantaged pupils, English language learners, and pupils with disabilities. The bill would specify that the test scores of a pupil subgroup may only be included in a ~~school district's or~~ school's API if the test scores of the pupils in the subgroup are valid test scores, as defined, and certain other requirements are met to ensure that the subgroup is a numerically significant subgroup as compared to the total pupil population.

Existing law requires the State Board of Education to establish a Governor's Performance Award Program to provide monetary and nonmonetary awards to schools that meet or exceed API performance growth targets and demonstrate comparable improvement in academic achievement by all numerically significant pupil subgroups at the school.

This bill would additionally provide that to be eligible for the Governor's Performance Award Program a school may be required to make adequate yearly progress as required by the federal No Child Left Behind Act of 2001.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1.—Section 52051.3 is added to the Education Code,~~
2 ~~to read:~~
3 ~~52051.3.—The State Board of Education, in consultation with~~
4 ~~the Superintendent of Public Instruction, shall adopt regulations~~
5 ~~and policies necessary to implement the provisions of this chapter~~
6 ~~and the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec.~~
7 ~~6301 et seq.).~~
8 ~~SEC. 2.—~~
9 ~~SECTION 1.~~ Section 52052 of the Education Code is
10 ~~amended to read:~~
11 52052. (a) (1) By July 1, 1999, the Superintendent of Public
12 Instruction, with approval of the State Board of Education, shall
13 develop an Academic Performance Index (API), to measure the
14 performance of schools, especially the academic performance of
15 pupils. ~~The Superintendent of Public Instruction, with the~~
16 ~~approval of the State Board of Education, shall also calculate an~~

~~API for school districts. The school district API shall be calculated in the same manner as the school API and reported in a comparable format.~~

~~(2) School districts and schools shall demonstrate pupils.~~

(2) A school shall demonstrate comparable improvement in academic achievement as measured by the API by all numerically significant pupil subgroups in the school district or at the school, including:

(A) Ethnic subgroups.

(B) Socioeconomically disadvantaged pupils.

(C) English language learners.

(D) Pupils with disabilities.

(3) (A) For purposes of this section, a numerically significant pupil subgroup is one that meets both of the following criteria:

(i) The subgroup consists of at least 50 pupils each of whom has a valid test score.

(ii) The subgroup constitutes at least 15 percent of a school district's or a school's total population of pupils who have valid test scores.

(B) If a subgroup does not constitute 15 percent of the school district's or the school's total population of pupils with valid test scores, the subgroup may constitute a numerically significant pupil subgroup if it has at least 100 valid test scores.

(C) For a school district or a school with an API score that is based on no fewer than 11 and no more than 99 pupils with valid test scores, numerically significant subgroups shall be defined by the Superintendent of Public Instruction, with approval by the State Board of Education.

(D) A valid test score is a test score that the superintendent, with the approval of the State Board of Education, deems appropriate to incorporate into the API or other performance measure, consistent with the provisions of this chapter and the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.); appropriate to include in the calculation of the API or to determine adequate yearly progress, consistent with the provisions of this chapter and as required by the federal No Child Left Behind Act of 2001 (20 U.S.C. 6311(b)(2)(B)).

(4) The API shall consist of a variety of indicators currently reported to the department including, but not limited to, the results of the achievement test administered pursuant to Section 60640,

1 attendance rates for pupils in elementary schools, middle schools,
2 and secondary schools, and the graduation rates for pupils in
3 secondary schools.

4 (A) The pupil data collected for the API that comes from the
5 achievement test administered pursuant to Sections 60640 and
6 60644 and the high school exit examination administered pursuant
7 to Section 60851, when fully implemented, shall be disaggregated
8 by special education status, English language learners,
9 socioeconomic status, gender and ethnic group. ~~Only the test~~
10 ~~scores of pupils who were counted as part of a school district's~~
11 ~~enrollment in the annual California Basic Educational Data~~
12 ~~System's data collection for the current fiscal year and were~~
13 ~~continuously enrolled during that year may be included in the test~~
14 ~~results reported in the API. Only the test scores of pupils who were~~
15 *Only the test scores of pupils who were* counted as part of the
16 enrollment in the annual California Basic Education Data
17 System's data collection for the current fiscal year and who were
18 continuously enrolled during that year may be included in the test
19 result reports in the ~~school district's or school's~~ API. Results of the
20 achievement test and other tests specified in subdivision (b) shall
21 constitute at least 60 percent of the value of the index.

22 (B) Before including high school graduation rates and
23 attendance rates in the index, the Superintendent of Public
24 Instruction shall determine the extent to which the data are
25 currently reported to the state and the accuracy of the data.

26 (b) Pupil scores from the following tests, when available and
27 when found to be valid and reliable for this purpose, shall be
28 incorporated into the API:

29 (1) The assessment of the applied academic skills matrix test
30 developed pursuant to Section 60604.

31 (2) The nationally normed test designated pursuant to Section
32 60642.

33 (3) The standards-based achievement tests provided for in
34 Section 60642.5.

35 (4) The high school exit examination.

36 (c) Based on the API, the Superintendent of Public Instruction
37 shall develop, and the State Board of Education shall adopt,
38 expected annual percentage growth targets for all schools based on
39 their API baseline score from the previous year. Schools are
40 expected to meet these growth targets through effective allocation

1 of available resources. For schools below the statewide API
2 performance target adopted by the State Board of Education
3 pursuant to subdivision (d), the minimum annual percentage
4 growth target shall be 5 percent of the difference between a
5 school's actual API score and the statewide API performance
6 target, or one API point, whichever is greater. Schools at or above
7 the statewide API performance target shall have, as their growth
8 target, maintenance of their API score above the statewide API
9 performance target. However, the State Board of Education may
10 set differential growth targets based on grade level of instruction
11 and may set higher growth targets for the lowest performing
12 schools because they have the greatest room for improvement. To
13 meet its growth target, a school shall demonstrate that the annual
14 growth in its API is equal to or more than its schoolwide annual
15 percentage growth target and that all numerically significant pupil
16 subgroups, as defined in subdivision (a), are making comparable
17 improvement.

18 (d) Upon adoption of state performance standards by the State
19 Board of Education, the Superintendent of Public Instruction shall
20 recommend, and the State Board of Education shall adopt, a
21 statewide API performance target that includes consideration of
22 performance standards and represents the proficiency level
23 required to meet the state performance target. When the API is
24 fully developed, schools must, at a minimum, meet their annual
25 API growth targets to be eligible for the Governor's Performance
26 Award Program as set forth in Section 52057. The State Board of
27 Education may establish additional criteria that schools must meet
28 to be eligible for the Governor's Performance Awards Program.

29 (e) Beginning in June 2000, the API shall be used for both of
30 the following:

31 (1) Measuring the progress of schools selected for participation
32 in the Immediate Intervention/Underperforming Schools Program
33 pursuant to Section 52053.

34 (2) Ranking all public schools in the state for the purpose of the
35 High Achieving/Improving Schools Program pursuant to Section
36 52056.

37 (f) (1) ~~A school district or a school~~ with 11 to 99 pupils with
38 valid test scores shall receive an API score with an asterisk that
39 indicates less statistical certainty than API scores based on 100 or
40 more test scores.

~~(2) A school district or a school shall annually receive an API score for the duration of its participation in that program, unless~~

(2) A school shall annually receive an API score, unless the Superintendent of Public Instruction determines that an API score would be an invalid measure of the school's performance for one or more of the following reasons:

(A) Irregularities in testing procedures occurred.

(B) The data used to calculate the school's API score are not representative of the pupil population ~~in the school district or at the~~ school.

(C) Significant demographic changes in the pupil population render year-to-year comparisons of pupil performance invalid.

(D) The department discovers or receives information indicating that the integrity of the API score has been compromised.

(E) Insufficient pupil participation in the assessments included in the API.

(3) If the API of a ~~school district or a~~ school is invalidated pursuant to paragraph (2), the department may calculate an estimated API, consistent with regulations adopted by the State Board of Education.

(4) If a ~~school district or a~~ school has less than 100 pupils with valid test scores, the calculation of the API or adequate yearly progress pursuant to the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) and federal regulations may be calculated from the aggregation of the school's test results with other schools in the same local educational agency, or over more than one annual administration of the tests administered pursuant to Sections 60640 and 60644 and the high school exit exam administered pursuant to Section 60851, consistent with regulations adopted by the State Board of Education.

(g) Only schools with 100 or more test scores contributing to the API may be included in the API rankings.

(h) By July 1, 2000, the Superintendent of Public Instruction, with the approval of the State Board of Education, shall develop an alternative accountability system for schools under the jurisdiction of a county board of education or a county superintendent of schools, community day schools, and alternative schools serving high-risk pupils, including continuation high schools and opportunity schools. Schools in the alternative

1 accountability system ~~shall receive an API score, but may~~ *may*
2 *receive an API score, but shall* not be included in the API rankings.

3 ~~(i) As used in this section, “school district” may include~~
4 ~~county boards of education or county superintendents of schools,~~
5 ~~as appropriate.~~

6 ~~SEC. 3.—~~

7 *SEC. 2.* Section 52057 of the Education Code is amended to
8 read:

9 52057. (a) The State Board of Education shall establish a
10 Governor’s Performance Award Program to provide monetary and
11 nonmonetary awards to schools that meet or exceed API
12 performance growth targets established pursuant to Section
13 52052, and demonstrate comparable improvement in academic
14 achievement by all numerically significant pupil subgroups within
15 schools. To be eligible for the Governor’s Performance Award
16 Program, a school may also be required to make adequate yearly
17 progress, as required by the federal ~~No Child Left Behind Act (20~~
18 ~~U.S.C. Sec. 6311(b)(2)(A))~~ *No Child Left Behind Act of 2001 (20*
19 *U.S.C. Sec. 6311(b)(2)(B))*, and as defined by the regulations
20 recommended by the Superintendent of Public Instruction and
21 adopted by the State Board of Education. Monetary awards shall
22 be awarded only to schools whose API scores meet or exceed their
23 API growth target as established pursuant to Section 52052 or
24 increase by five points, whichever is greater, and in which all
25 numerically significant subgroups’ scores meet or exceed 80
26 percent of the school’s API growth target as established pursuant
27 to Section 52052 or increase by four points, whichever is greater.
28 For purposes of this section, a pupil subgroup of at least 100 pupils
29 constitutes a numerically significant subgroup, even if the
30 subgroup does not constitute 15 percent of the total enrollment at
31 a school.

32 (b) All schools, including schools participating in the
33 Immediate Intervention/Underperforming Schools Program are
34 eligible to participate in the Governor’s Performance Award
35 Program. The manner and form in which the monetary and
36 nonmonetary awards are given shall be established by the
37 Superintendent of Public Instruction and approved by the State
38 Board of Education. The monetary awards shall be made available
39 on either a per pupil or per school basis, not to exceed one hundred
40 fifty dollars (\$150) per pupil who received a score on the

1 assessments described in subdivision (b) of Section 60640 and
2 subject to funds appropriated in the annual Budget Act. A school
3 that continues to show improvement in successive years is eligible
4 to receive annual bonuses.

5 (c) In addition to or in substitution of monetary awards, the
6 Superintendent of Public Instruction may establish, upon approval
7 by the State Board of Education, nonmonetary awards that may
8 include, but are not limited to, classification as a distinguished
9 school, listing on a published public school honor roll, and public
10 commendations by the Governor and the Legislature. In addition
11 to any other criteria that are used to determine whether a school
12 shall be classified as a distinguished school, the Superintendent of
13 Public Instruction may consider the performance of a school on the
14 physical performance tests administered pursuant to Section
15 60800.

16 (d) A governing board of a school district or a county board of
17 education with one or more schools under its jurisdiction that are
18 eligible to receive an award from the Governor's Performance
19 Award Program may request on behalf of those schools that the
20 State Board of Education waive all or any part of any provision of
21 this code, or any regulation adopted by the State Board of
22 Education, controlling any of the programs listed in clause (i) of
23 subparagraph (B) of paragraph (1) of subdivision (a) of Section
24 54761 and Section 64000. The board may grant the request if the
25 waiver does not result in a decrease in the instructional time
26 otherwise required by law or regulation or an increase in state costs
27 and is determined to be consistent with subdivision (a) of Section
28 46300. The waiver shall be granted for no more than three
29 consecutive fiscal years. A governing board of a school district or
30 a county board of education may request a renewal for schools
31 under their jurisdiction that still meet the eligibility criteria.

32 (e) The waiver granted pursuant to subdivision (d) may also
33 provide the governing board of a school district or a county board
34 of education with maximum flexibility, on the part of eligible
35 schools within the districts, in the expenditure of any new or
36 existing categorical funds not otherwise prohibited under state or
37 federal law to enable the school to continue improvement in pupil
38 performance.

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